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February 14, 2013

VIA ECF

Honorable Naomi Reice Buchwald
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *T.H v. The City of New York, et al.*, 13 Civ. 2600 (NRB);
Status Update Regarding Stayed Litigation

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of the above-referenced matter on behalf of defendant City of New York. On December 16, 2013, I submitted a letter on behalf of the City of New York updating the Court on the status of the anticipated criminal prosecution arising out of the same events underlying the claims asserted by plaintiff herein. In my December 16, 2013 letter, I undertook to provide the Court with a status update on or before February 18, 2014.

On February 14, 2014, I spoke to the Assistant District Attorney handling the criminal investigation and prosecution by the Office of the District Attorney for New York County's ("DANY"). She informs me that the criminal investigation is still proceeding apace, although formal charges have not yet been filed. She informed me that DANY is in the process of reviewing "voluminous" records from the Department of Correction, and that she anticipates being able to report material progress in the near future. Accordingly, defendant City of New York hereby requests that the stay of this civil litigation be continued at this time, with the City to submit a further status update on or before April 15, 2014.

Respectfully submitted,

Tobias E. Zimmerman
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Nicole Bellina, Esq. (via **ECF**)
Attorney for Plaintiff

Howard G. Wien, Esq. (via **ECF**)
Attorney for Defendant C.O. Kirkton Dale